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## FAX Transmission Sheet

December 21, 2004

To: Examiner Cuong Quang Nguyen Fax No. (703) 872-9306  
From: Stephen P. Burr Fax No. (315) 233-8320  
Re: In re the Application of: Yuji HORI, Osamu ODA, Mitsuhiro TANAKA, Bruno DAUDIN  
and Eva MONROY

Serial No.: 10/813,565 Art Unit: 2811

Date Filed: March 30, 2004 Conf. No. 4125

Title: SUBSTRATE FOR SEMICONDUCTOR LIGHT-EMITTING ELEMENT,  
SEMICONDUCTOR LIGHT-EMITTING ELEMENT AND SEMICONDUCTOR  
LIGHT-EMITTING ELEMENT FABRICATION METHOD

Our Docket No.: 800\_134

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### COMMENTS:

I hereby certify that the following paper(s) is/are being facsimile transmitted to Examiner Cuong Quang Nguyen at (703) 872-9306 at the Patent and Trademark Office on **December 21, 2004**:

	<u>Paper</u>	<u># of Pages</u>
1.	Response to Restriction Requirement .....	<u>2</u>

Total Pages (including cover page) 3

Elizabeth A. VanAntwerp

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Practitioner's Docket No.: 800\_134

**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of: Yuji HORI, Osamu ODA, Mitsuhiro TANAKA, Bruno DAUDIN and  
Eva MONROY

Ser. No.: 10/813,565

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Examiner: Cuong Quang Nguyen

Confirmation No.: 4125

For: SUBSTRATE FOR SEMICONDUCTOR LIGHT-EMITTING ELEMENT,  
SEMICONDUCTOR LIGHT-EMITTING ELEMENT AND SEMICONDUCTOR  
LIGHT-EMITTING ELEMENT FABRICATION METHOD

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

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P.O. Box 1450, Alexandria, VA 22313-1450  
on December 21, 2004 at (703) 872-9306.

*Elizabeth A. VanAntwerp*  
Elizabeth A. VanAntwerp

**RESPONSE TO RESTRICTION REQUIREMENT**

Sir:

In response to the Office Action mailed December 14, 2004, Applicants hereby  
provisionally elect, with traverse, to prosecute the claims of Group I (claims 1-13) in this  
application.

However, Applicants respectfully traverse the restriction requirement since the subject  
matter of claims 1 - 17 is sufficiently related that a thorough and complete search for the  
subject matter of the elected claims would necessarily encompass a thorough and complete  
search for the subject matter of the non-elected claims. Thus, it is respectfully submitted that  
search and examination of the entire application could be made without serious burden. See  
MPEP §803 in which it is clearly stated that "[i]f the search and examination of an entire

application can be made without serious burden, the Examiner must examine it on the merits." It is respectfully submitted that this policy should apply in the present application in order to avoid unnecessary delay and expense to Applicants and improper duplicative examination by the Patent Office.

If the Examiner believes that contact with Applicants' attorney would be advantageous toward the disposition of this case, the Examiner is herein requested to call Applicants' attorney at the phone number noted below.

The Commissioner is hereby authorized to charge any additional fees associated with this communication or credit any overpayment to Deposit Account No. 50-1446.

Respectfully submitted,

  
Stephen P. Burr  
Reg. No. 32,970

December 21, 2004  
Date

SPB/eav

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